

S.B. CRIMINAL MISC. BAIL APPLN. NO.5002/2007
(Tej Singh Vs. State of Rajasthan)

Date of order :: 10.10.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr.B.S. Rathore, for the applicant.
Mr.Vishnu Kachwaha, Public Prosecutor.
Mr.Harish Purohit, for the complainant.

Heard learned counsel for the parties and perused the impugned order dated 18.09.2007.

It is contended by learned counsel for the applicant that the applicant's name does not find mention in the FIR nor there is any allegation against Tej Singh to make out any prima facie case of commission of offence by him. It is argued by learned counsel for the applicant that as a matter of fact the applicant was not at all present when the incident took place and he was at Ajmer in connection with some engagement function. It is further argued that there is no evidence on record to implicate the applicant in the case and the applicant is falsely implicated without there being any material on record. Therefore, in the facts and circumstances of the case, the prosecution case appears to be falsely set up against the applicant. Hence, the applicant is entitled to be released on bail.

On the other hand, learned counsel for the respondent vehemently opposed the prayer of the applicant and contended that as per statement of Kumari Sonu, there was illicit relationship between Gendu Kanwar and Tej Singh. It is also contended that there is no signature of deceased upon the bed-head ticket where it is mentioned by the doctor that death is due to burns received at the time of cooking food, therefore, it cannot be treated to be piece of evidence for the purpose of arriving at the conclusion as to the reason of death. It is also contended that in the statement of Kumari Sonu recorded under Section 161 Cr.P.C. as well as in the statement recorded under Section 164 Cr.P.C., there is specific allegation levelled by the daughter of Tej Singh against him with regard to illicit relationship with co-accused Gendu Kanwar and frequent quarrels with the deceased.

Having considered the submissions of learned counsel for the respective parties, in my opinion, at the stage while statement of Kumari Sonu is yet to be recorded, it is not proper to enlarge the applicant on bail.

Accordingly, the present bail application is dismissed.

(GOPAL KRISHAN VYAS), J.

A.K. Chouhan/-